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July 30, 2007

Date Mailed

Elizabeth J. Martinez

Name

Signature

07-30-07

Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicants: Zosel *et al.*

Serial No.: 10/052,677

Filed: January 18, 2002

For: CAMERA POSITIONING  
AND CONFIRMATION  
FEEDBACK SYSTEM

Atty. Docket No.: 005557.P006

Examiner: Allyson N. Trail

Art Unit: 2876

Mail Stop 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**REQUEST FOR REFUND (37 C.F.R. § 1.26)**

Sir:

Pursuant to 37 C.F.R. § 1.26(a), Applicants respectfully request a refund of fees mistakenly charged by the U.S. Patent Office in the above-noted patent application. The facts, reasons why a refund is proper, and deposit instructions for the refund are set forth below.

**Facts**

1. The Examiner for the above-noted patent application mailed a final Office Action to Applicants on August 9, 2005. The three-month shortened statutory period for response therefore expired on November 9, 2005.

2. The two-month period for response to the final Office Action under MPEP § 706.07(f) was nominally October 9, 2005. However, October 9, 2005, was a Sunday and October 10, 2005, was a federal holiday (Columbus Day) within the District of Columbia. Pursuant to 37 C.F.R. § 1.7 and MPEP § 706.07(f), a response filed as late as October 11, 2005, would therefore be considered timely filed by the two-month deadline.

3. Applicants timely filed a response to the final Office Action on October 11, 2005.

4. In response to the Applicants' submission of October 11, 2005, the Examiner mailed an Advisory Action on December 13, 2005.

5. In response to the Advisory Action, Applicants filed a Notice of Appeal on January 13, 2006. The Notice of Appeal included a petition for a one-month extension of the period for reply, along with a check for the requisite fee. The Notice of Appeal also included a return postcard itemizing all items filed with the Notice of Appeal, including the petition and check.

6. Applicants' legal representative received the return postcard with an OIPE stamp, indicating that all items listed on the postcard were received by the USPTO. Copies of the return postcard and the check are attached.

7. On January 28, 2006, the U.S. Patent Office charged the deposit account of Applicants' legal representative for both a two-month extension of the period for reply and a three-month extension of the period for reply.

8. The total amount charged to the deposit account of Applicants' legal representative was USD\$1,020.

#### Reasons for Refund

Pursuant to MPEP § 706.07(f) and form paragraph 7.39, and as noted in the final Office Action mailed August 9, 2005, the rule for replies to a final Office Action is as follows:

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

In this case, Applicants timely filed a response to the Office Action within two months of the mailing date of the final Office Action. The Examiner, however, did not mail the Advisory Action until December 13, 2005—more than a month after the end of the three-month shortened

statutory period. Pursuant to the above rule, the Examiner's delay means that the time period for extensions is computed from the mailing date of the Advisory Action.

Applicants filed a Notice of Appeal with a petition for a one-month extension of time and a check for the required fee on January 13, 2006—exactly one month after the mailing date of the Advisory Action. In view of the above rule the one-month extension requested by Applicants was all that was required, and the USPTO should not have charged the deposit account for either a two-month extension or a three-month extension.


In view of the above, Applicants respectfully request a refund in the amount of USD\$1,020 for the extension fees mistakenly charged to the deposit account of Applicants' legal representative.

Deposit Instructions

Please deposit the requested refund in our Deposit Account No. 02-2666. Kindly include a reference to the above-noted application so that we can properly account for the refund.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP



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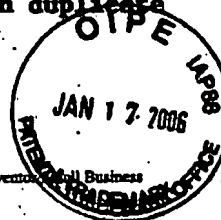
Enclosure: Copy of return postcard from Notice of Appeal  
Copy of Check #0223

Serial/Patent No.: 10/052,677 Filing/Issue Date: January 18, 2002  
Client: Microscan Systems Incorporated  
Title: CAMERA POSITIONING AND CONFIRMATION FEEDBACK SYSTEM

BSTZ File No.: 5557.P006 Atty/Secty Initials: TMB/sv  
Date Mailed: January 13, 2006 Docket Due Date: January 13, 2006

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Amendment/Response (____ pgs.)  | <input type="checkbox"/> Express Mail No. _____  | <input checked="" type="checkbox"/> Check No. <u>0223</u> |
| <input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate)                              | <input checked="" type="checkbox"/> <u>One</u> Month(s) Extension of Time                | Amt: <u>\$620.00</u>                                      |
| <input type="checkbox"/> Application - Utility (____ pgs., with cover and abstract)            | <input type="checkbox"/> Information Disclosure Statement & PTO-1449 (____ pgs.)         | <input type="checkbox"/> Check No. _____                  |
| <input type="checkbox"/> Application - Rule 1.53(b) Continuation (____ pgs.)                   | <input type="checkbox"/> Issue Fee Transmittal   | Amt: _____  |
| <input type="checkbox"/> Application - Rule 1.53(b) Divisional (____ pgs.)                     | <input checked="" type="checkbox"/> Notice of Appeal - <b>in duplicate</b>               |   |
| <input type="checkbox"/> Application - Rule 1.53(b) CIP (____ pgs.)                            | <input checked="" type="checkbox"/> Petition for Extension of Time - <b>in duplicate</b> |   |
| <input type="checkbox"/> Application - Rule 1.53(d) CPA Transmittal (____ pgs.)                | <input type="checkbox"/> Petition for _____  |   |
| <input type="checkbox"/> Application - Design (____ pgs.)                                      | <input checked="" type="checkbox"/> Postcard   |   |
| <input type="checkbox"/> Application - PCT (____ pgs.)   | <input type="checkbox"/> Power of Attorney (____ pgs.)                                   |   |
| <input type="checkbox"/> Application - Provisional (____ pgs.)                                 | <input type="checkbox"/> Preliminary Amendment (____ pgs.)                               |   |
| <input type="checkbox"/> Assignment and Cover Sheet  | <input type="checkbox"/> Reply Brief (____ pgs.)   |   |
| <input checked="" type="checkbox"/> Certificate of Mailing                                     | <input type="checkbox"/> Response to Notice of Missing Parts                             |   |
| <input type="checkbox"/> Declaration & POA (____ pgs.)   | <input type="checkbox"/> Small Entity Declaration for Indep. Inventor/Small Business     |   |
| <input type="checkbox"/> Disclosure Docs & Orig & Copy of Inventor's Signed Letter (____ pgs.) | <input type="checkbox"/> Transmittal Letter, in duplicate                                |   |
| <input type="checkbox"/> Drawings: _____ # of sheets includes _____ figures                    | <input type="checkbox"/> Fee Transmittal, in duplicate                                   |   |
| <input type="checkbox"/> Other: _____  |  |   |



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18-339/1220  
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January 13, 2006

PAY TO THE  
ORDER OF

Director of the USPTO

\$ \*\*620.00\*\*

\*\*Six hundred and twenty dollars and no/100\*\*\*\*\* DOLLARS

FOR

5557.P006

*David M. Bean*

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BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

0223

Date  
January 13, 2006

Description  
USPTO fee for a Notice of Appeal and 1-month Extension of Time  
CAMERA POSITIONING AND CONFIRMATION FEEDBACK SYSTEM  
Filed: January 18, 2002  
Ser. No.: 10/052,677  
Inventors: Zosel et al.  
5557.P006 TMB/av  
Microscan Systems Incorporated

Amount  
\$620.00

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

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United States Patent and Trademark Office

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